

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SPECGX, LLC,

Plaintiff,

v.

**NOTICE OF
CROSS-MOTION**

No. 18 CV 9830 (KPF)

BARBARA D. UNDERWOOD, in her official capacity
as the Attorney General of the State of New York; and
HOWARD A. ZUCKER, in his official capacity as
Commissioner of Health of the State of New York,

Defendants.

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PLEASE TAKE NOTICE, that upon the Declaration of Seth Farber, dated November 7, 2018, the Declaration of Amir Bassiri, dated November 7, 2018, the Defendants' Memorandum of Law in Support of Motion to Dismiss Complaint, dated November 7, 2018, and upon all pleadings and proceedings heretofore had herein, Defendants BARBARA D. UNDERWOOD, in her official capacity as the Attorney General of the State of New York, and HOWARD A. ZUCKER, in his official capacity as Commissioner of Health of the State of New York State, shall move this Court before the Honorable Judge Katherine Polk Failla at the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York, on a date to be set by the Court, for an order pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) dismissing Plaintiffs' Complaint in its entirety for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that opposition papers shall be filed on or before November 15, 2018 and reply papers shall be filed on or before November 27, 2018.

Dated: New York, New York
November 7, 2018

Respectfully submitted,
ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendant
By:

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